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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,785	01/10/2006	Andrea Seger	SEGE3004/FJD	5731
7590 07/31/2009				
Bacon & Thomas 4th Floor 625 Slaters Lane Alexandria, VA 22314-1176			EXAMINER SONG, DAHIO D	
			ART UNIT 2175	PAPER NUMBER
			MAIL DATE 07/31/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/523,785

**Applicant(s)**

SEGER ET AL.

**Examiner**

DAEHO D. SONG

**Art Unit**

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 April 2009.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10 and 12-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 10 and 12-18 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

***Applicant's Response***

In Applicant's Response dated 04/28/2009, Applicant argued against all rejections previously set forth in the Office Action dated 01/28/2009.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 10 and 12-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Forney et al. (hereinafter Forney): U.S. Patent Application Pub. No. 2002/0101431.

Forney teaches:

*Claim 10. A method for operating a field device of automation technology, which is connected by way of a data bus with a control system, by means of a graphical user interface (GUI) and a device description file for the field device, comprising the step of:*

*loading the device description file having two components, a data component and a presentation component, together dynamically at run time, by means of an appropriate browser, said data component is written in the form of an XML file and the presentation component in the form of an XSL file ([0045][0046]: the device description file having a data component written in the form of an XML file and a presentation component in the form of an XSL file by means of dynamic transformation of graphical display elements of a web browser); and*  
*dynamically producing an HTML page, which represents a graphical user interface for the field device, from the XML file and XSL file, wherein: the HTML page displayed by the browser can be dynamically changed, so that the graphical user interface is matched to the field device ([0029]-[0031]: dynamically producing a HTML page of the client/field device and updating its data by means of receiving a stream of real-time data from the portal server).*

*Claim 12. The method as claimed in claim 10, wherein: the run time environment is a Microsoft platform ([0008]: running on the Microsoft Operating System).*

*Claim 13. The method as claimed in claim 10, wherein: the data component contains parameter names, event- and alarm-texts, coded additional information, etc ([0007][0035][0046][0059]: the data component including parameter names, event object and alarm data, coded additional information).*

*Claim 14. The method as claimed in claim 10, wherein: the presentation component contains information for visualizing and explaining the process component of concern ([0031][0067]: displaying data component of visualizing the graphical process diagram of the field device supporting real-time animation of manufacturing process control view).*

*Claim 15. The method as claimed in claim 10, further comprising the step of: providing dynamic, relevant links on the GUI for invoking an online/offline help ([0009]: providing dynamic relevant links for help through a search engine of portal service).*

*Claim 16. The method as claimed in claim 10, wherein: the operation includes start-up, maintenance, simulation, data protection, problem removal and device documentation ([0008][0038]: the Windows Operating System includes start-up, maintenance, simulation, back-up/data protection, problem resolution and documentation).*

*Claim 17. The method as claimed in claim 10, further comprising the step of: using the Internet Explorer of Microsoft® as the browser ([0008][0038]: using a commercial web browser, such as the Internet Explorer).*

*Claim 18. The method as claimed in claim 10, further comprising using the Netscape*

*Navigator of Netscape as the browser* ([0008][0038]: using a commercial web browser, such as the Netscape Navigator).

### ***Response to Arguments***

2. Applicant's arguments against the rejections based on 35 U.S.C. § 102 with respect to Claims 10 and 12-18 have been considered, but they are not persuasive.

Applicant argues that Forney fails to disclose field devices connected by a data bus with a control system.

The examiner disagrees.

Forney discloses a method for industrial process control technology controlled via programmed **process controller** that execute control programs which read process status variables, execute control algorithms, and render output values for the control points in industrial processes (see [0004]).

This process controller **generates** status and control information regarding associated processes, and **stores** them within process control database and/or distributed to various locations within the process control network (see [0006]).

At the same time, other process information is stored within **field devices** **having digital data communication capabilities**, which corresponds to data bus. Then, the process information is retrieved from the **process control database** and the

**field devices** by data access servers for further processing with the control system of the process controller (see [0006]).

Thus, Forney **clearly** teaches that those **field devices** **are connected by data bus with the process controller** that controls to store and to retrieve the process information having the process control network.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAEHO D. SONG whose telephone number is (571)272-7524. The examiner can normally be reached on Mon-Fri 7:30-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 5712724088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daeho D Song/  
Examiner, Art Unit 2175

/William L. Bashore/  
Supervisory Patent Examiner, Art Unit 2175